

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 5, 7, 13, 14, and 17-29 are pending in this application. By this Amendment claims 1, 5, 7, 13-14, 17-22, 24, 26 and 28 are amended and claim 6 has been cancelled. No new matter is added. Claims 1, 17, 18, 19 and 20 are the independent claims. Example support for the amendments herein may be found at Para. [0009, 0034] of Applicants' application.

**Examiner Interview**

Initially, Applicants wish to thank Examiner Dunn for her time and helpful comments during the personal interview of October 8, 2008. During the personal interview, it was agreed that if independent claims 1 and 17-20 are amended as shown above, this would overcome the Examiner's art rejections.

For example, as was discussed during the interview, Fig. 32 of Kato illustrates that a **PlayItem in Kato does not include packet identifier (PID) information**. Further, as disclosed at Para. [0240, 0622] and shown in Fig. 135 of Kato, the "entry\_ES **PID**" is included in a "**PlayListMark**" and when the "entry\_ES **PID**" is set to a non-zero value, it "denotes the value of the PID of the transport packet containing the elementary stream specified by the mark" that is "used by the **PlayList**." Moreover, Fig. 72 and Para. [0624] of Kato disclose the PID "denoting **one video stream** in the program." Thus, the "**PID**" of Kato is only disclosed as being included in a "**PlayList**" of Kato and indicating a single stream associated with the "**PlayList**" of Kato. Therefore, the "PID" of Kato is **not** disclosed as being included in a "**PlayItem**" of Kato or indicating a stream associated with a particular "**PlayItem**" of Kato. As such, Kato fails to disclose "the playlist including a **plurality of playitems** indicating

a playing interval of the data streams, each of the playing intervals including an IN-point and OUT-point indicating positions of the data streams,” and “the playitem including a packet identifier information” that “identifies a reproduction path among the plurality of reproduction paths for the playing interval of each playitem,” as recited in amended claim 1.

Further, regarding the 35 U.S.C. § 101 rejection, according to the Examiner’s suggestion, Applicants have amended the claims to recite “recording medium” instead of “computer-readable medium.” In return, the Examiner has agreed to reevaluate the 35 U.S.C. § 101 rejection.

#### **Rejections under 35 U.S.C. § 101**

Claims 1, 5-7, 13, and 14 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended claims 1, 5, 7, 13, and 14 according to the Examiner’s suggestion. Claim 6 has been cancelled. Therefore, Applicants respectfully request that the rejection to the above claims under 35 U.S.C. § 101 be withdrawn.

#### **Rejections under 35 U.S.C. § 102**

Claims 1, 5-7, 13, 14, 17, 18, and 21-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent Publication No. 2005/0019007 (hereinafter, “Kato”). Applicants respectfully traverse this rejection for the reasons detailed below.

Amended claim 1 recites *inter alia*, “the playlist including a plurality of playitems indicating a playing interval of the data streams, each of the playing intervals including an IN-point and OUT-point indicating positions of the data streams,” and “the playitem including a packet identifier information” that

“identifies a reproduction path among the plurality of reproduction paths **for the playing interval of each playitem.**”

As was discussed during the October 8, 2008 Examiner interview and has been reiterated above, the Examiner agreed that amended claim 1 is patentable over Kato. Independent claims 17 and 18 recite similar limitations to claim 1 and therefore are patentable for at least the reasons stated above with respect to claim 1. Dependent claims 5, 7 and 13-14 are at least patentable by virtue of their dependency on independent claim 1. Claim 6 has been cancelled. Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 102(e) be withdrawn.

#### **Rejections under 35 U.S.C. § 103**

Claims 19, 20, and 26-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato in view of US Patent Publication No. 2004/0141436 (“Monahan”). Applicants respectfully traverse this rejection for the reasons detailed below.

Even assuming *arguendo* that Monahan and Kato are combinable (which Applicants do not admit), Monahan still fails to remedy the deficiencies of Kato with respect to claim 1. Independent claims 19 and 20 recite similar limitations to claim 1 and therefore are patentable for at least the reasons stated above with respect to claim 1. Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

**CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

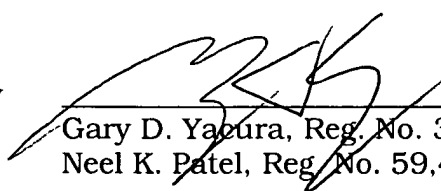
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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